

[Second Reprint]  
**SENATE, No. 2899**

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**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

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INTRODUCED SEPTEMBER 14, 2020

**Sponsored by:**

**Senator M. TERESA RUIZ**

**District 29 (Essex)**

**Senator TROY SINGLETON**

**District 7 (Burlington)**

**Co-Sponsored by:**

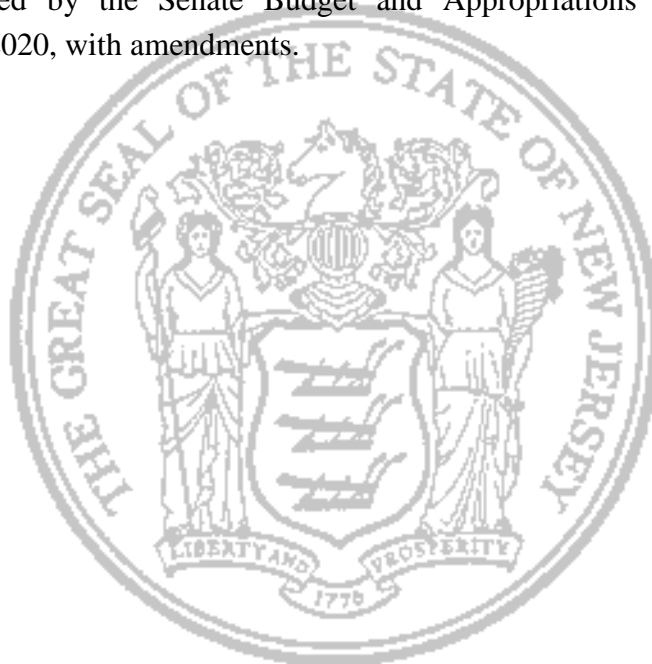
**Senators Addiego, Turner and Pou**

**SYNOPSIS**

Establishes Safe Remote Learning Program in DOE to support provision of remote instruction facilities by public schools.

**CURRENT VERSION OF TEXT**

As reported by the Senate Budget and Appropriations Committee on October 22, 2020, with amendments.



**(Sponsorship Updated As Of: 9/24/2020)**

1 AN ACT establishing a Safe Remote Learning Program in the  
 2 Department of Education to support the provision of remote  
 3 instruction facilities by public schools.

4  
 5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
 6 *of New Jersey:*

7  
 8 1. a. There is established in the Department of Education the  
 9 Safe Remote Learning Program to support the provision of remote  
 10 instruction facilities by school districts, charter schools, and  
 11 renaissance schools that implement a partial or full-time program of  
 12 virtual or remote instruction as a result of the COVID-19 pandemic.

13 b. The department shall establish guidelines concerning the  
 14 establishment and maintenance of remote instruction facilities. In  
 15 addition to any other requirements set forth by the department, the  
 16 guidelines shall require each remote instruction facility to be:

17 (1) used for the delivery of remote instruction to students in  
 18 accordance with health and safety standards set forth by the  
 19 Department of Education, in consultation with the Department of  
 20 Health<sup>2</sup>, and in receipt of written confirmation from the local health  
 21 department that the remote instruction facility is operating in  
 22 accordance with health and safety standards established in response  
 23 to the COVID-19 pandemic<sup>2</sup>;

24 (2) equipped with such online instruction equipment, including  
 25 connected devices and mobile broadband Internet access service, as  
 26 is necessary for every student who attends the facility to participate  
 27 in remote instruction activities; <sup>1</sup>**[and]**<sup>1</sup>

28 (3) staffed by appropriately qualified persons during all hours of  
 29 operation <sup>1</sup>; and

30 (4) in compliance with the rules and regulations established for  
 31 licensed child care centers<sup>1</sup>.

32 c. <sup>2</sup>(1)<sup>2</sup> When a school district, charter school, or renaissance  
 33 school implements a partial or full-time program of virtual or  
 34 remote instruction as a result of the COVID-19 pandemic, the  
 35 school may establish one or more remote instruction facilities,  
 36 without prior approval from the department, provided that the  
 37 facility complies with the guidelines established by the department  
 38 pursuant to subsection b. of this section. The facilities may be  
 39 established by repurposing space within an existing school facility  
 40 or acquiring space within a facility owned by a non-profit  
 41 organization or an institution of higher education.

42 <sup>2</sup>(2) When a remote instruction facility, established pursuant to  
 43 this section, is to be operated by a private or non-profit entity, then  
 44 the school district, charter school, or renaissance school shall enter

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
 not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SED committee amendments adopted September 14, 2020.

<sup>2</sup>Senate SBA committee amendments adopted October 22, 2020.

1 into a memorandum of understanding with the private or non-profit  
2 entity concerning the operation of the remote instruction facility by  
3 the private or non-profit entity. The department, in consultation  
4 with the Department of Children and Families, shall establish  
5 provisions that are required to be contained in any memorandum of  
6 understanding entered into pursuant to this paragraph, and shall  
7 develop a sample memorandum of understanding that may be used  
8 for the purposes of complying with the requirements of this  
9 paragraph, no later than 30 days after the effective date of this act.<sup>2</sup>

10 d. (1) Within the limits of available space, a school district,  
11 charter school, or renaissance school that establishes a remote  
12 instruction facility shall, upon written request from the parent,  
13 guardian, or other person having legal custody of a student, permit  
14 the student to participate in remote instruction activities at the  
15 facility.

16 (2) If a student is enrolled in a school district, charter school, or  
17 renaissance school that has not established a remote instruction  
18 facility, or if a student is unable to attend a remote instruction  
19 facility due to insufficient space, the student shall be eligible to  
20 participate in remote instruction activities at any nearby remote  
21 instruction facility.

22 (3) If the school district, charter school, or renaissance school  
23 lacks sufficient space to allow all students to participate in remote  
24 instruction activities at a remote instruction facility, the school shall  
25 give preference to:

26 (a) students who are eligible for free or reduced price meals  
27 under the National School Lunch Program or the federal School  
28 Breakfast Program; and

29 (b) students whose parent, guardian, or other person having  
30 legal custody is considered an essential worker by the department,  
31 which workers shall include, but not be limited to, teachers, school  
32 administrators, and other school personnel.

33 e. The department, in consultation with the Department of  
34 Children and Families, shall establish eligibility criteria for persons  
35 who may staff remote instruction facilities, except that a student  
36 who is enrolled in an educator preparation program at a public  
37 institution of higher education in the State shall be eligible to staff a  
38 remote instruction facility and shall receive credit for such service  
39 toward the educator preparation program.

40 f. As used in this section:

41 “Connected device” means a laptop computer, tablet computer,  
42 or similar device that is capable of connecting to broadband Internet  
43 access service, either by receiving such service directly or through  
44 the use of Wi-Fi.

45 “Mobile broadband Internet access service” means a mass-  
46 market retail service by wire or radio that provides the capability to  
47 transmit data to and receive data from all or substantially all  
48 Internet endpoints, including any capabilities that are incidental to

1 and enable the operation of the communications service, but  
2 excluding dial-up Internet access service.

3 “Online instruction equipment” means the equipment necessary  
4 for a student to participate in remote instruction activities, and  
5 includes a connected device and mobile broadband Internet access  
6 service.

7  
8 2. a. If a school district, charter school, or renaissance school  
9 establishes one or more remote instruction facilities, the  
10 Department of Education shall, from the monies made available  
11 pursuant to subsection b. of this section, reimburse the school  
12 district, charter school, or renaissance school for the full costs of  
13 establishing and maintaining each facility.

14 b. (1) To the extent permitted by federal law, the department  
15 shall provide such funding as is necessary, from the monies  
16 allocated to the State under the federal “Coronavirus Aid, Relief,  
17 and Economic Security (CARES) Act,” Pub.L. 116-136, or any  
18 other financial assistance provided by the federal government to  
19 address the impact of the COVID-19 pandemic, to support the  
20 reimbursements required under subsection a. of this section.

21 (2) If insufficient federal funding is made available pursuant to  
22 paragraph (1) of this subsection, the State shall appropriate such  
23 additional amounts as are necessary to support the reimbursements  
24 required under subsection a. of this section, subject to the approval  
25 of the Director of the Division of Budget and Accounting in the  
26 Department of the Treasury.

27  
28 3. Notwithstanding any provision of P.L.1968, c.410  
29 (C.52:14B-1 et seq.), or any other law to the contrary, the  
30 Commissioner of Education may adopt, immediately upon filing  
31 with the Office of Administrative Law and no later than the 90th  
32 day after the effective date of this act, such rules and regulations as  
33 the commissioner deems necessary to implement the provisions of  
34 this act, which regulations shall be effective for a period not to  
35 exceed 12 months. The regulations shall thereafter be amended,  
36 adopted, or readopted by the commissioner in accordance with the  
37 provisions of P.L.1968, c.410 (C.52:14B-1 et seq.).

38  
39 4. This act shall take effect immediately.